

DEPARTMENT OF PLANNING  
STAFF REPORT

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**PLANNING COMMISSION PUBLIC HEARING**

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**DATE OF HEARING: November 19, 2007**

**ZMAP 2006-0019 — Yardley**

**DECISION DEADLINE: February 20, 2008**

**ELECTION DISTRICT: Dulles**

**PROJECT PLANNER: Judi Birkitt**

**EXECUTIVE SUMMARY**

GSR Partners, LLC of Fairfax, Virginia has submitted an application to rezone three parcels totaling approximately 9.53 acres from the R-1 (Single Family Residential) to the R-4 (Single Family Residential) zoning district under the Revised 1993 Zoning Ordinance in order to develop 26 single-family detached residential dwelling units at a density of up to 2.73 dwelling units per acre. The property is also located within the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour. The property is located on the east side of Gum Spring Road (Route 659), 0.1 mile south of Tall Cedars Parkway, at 24910, 24914, and 24946 Gum Spring Road, Chantilly, Virginia. The property is more particularly described as Tax Map 101, Parcels 53A, 45A, and 45D (PIN #s 205-39-6591, 205-49-8308, and 205-49-9724). The properties are governed by the policies of the Revised General Plan (Suburban Policy Area (Dulles Community)), the Loudoun County Bicycle and Pedestrian Mobility Master Plan, and The Revised Countywide Transportation Plan, which designate this area for residential uses at densities up to 4.0 dwelling units per acre.

**RECOMMENDATION**

Staff recommends that this application be forwarded to committee for further discussion.

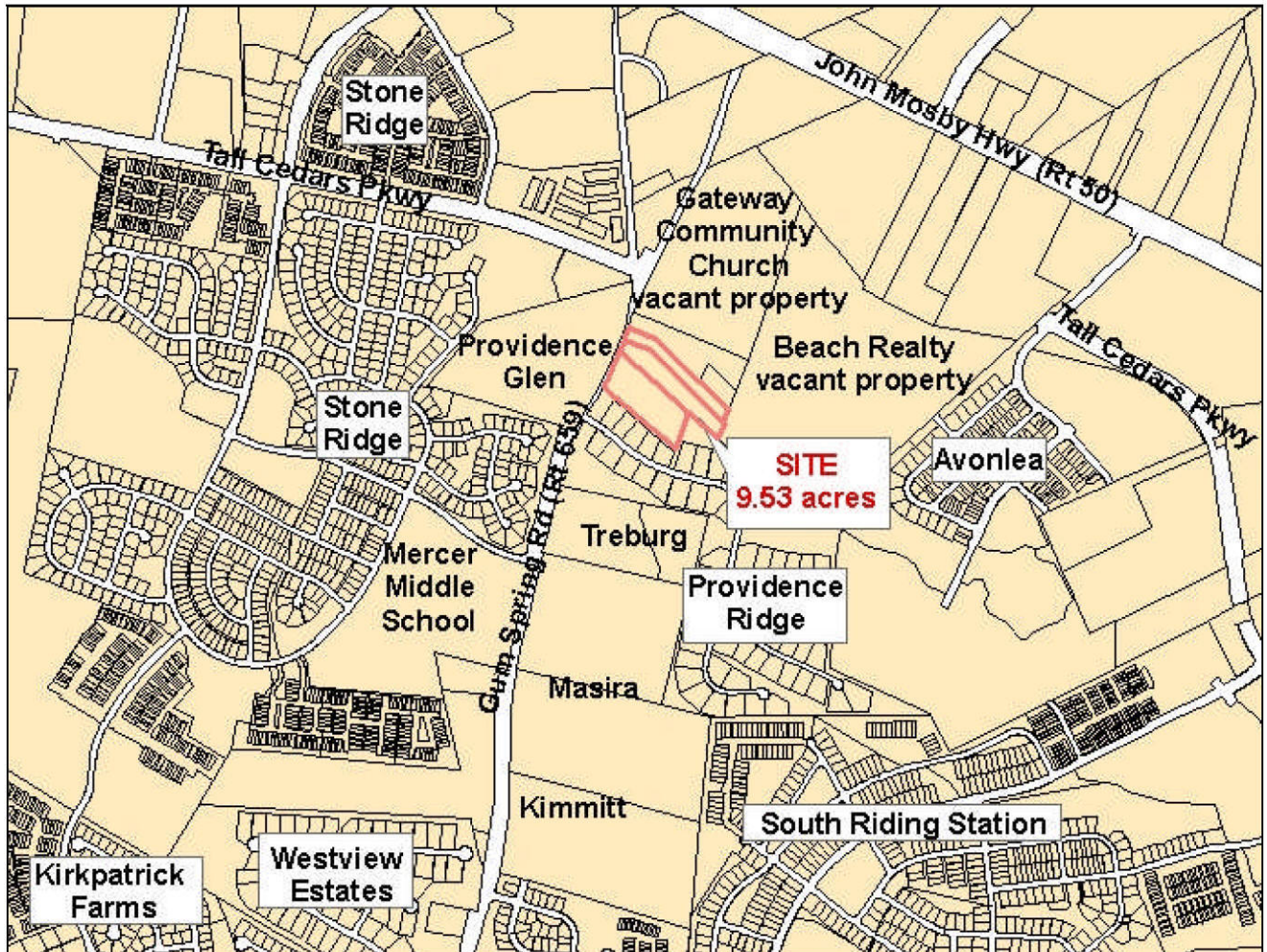
**SUGGESTED MOTIONS**

1. I move that the Planning Commission forward ZMAP 2006-0019, Yardley, to committee for further discussion.

OR,

2. I move an alternate motion.

### VICINITY MAP



### Directions:

From Leesburg, take James Monroe Highway (Route 15) south to John Mosby Highway (Route 50). Proceed east on Route 50 for approximately five miles. Turn right onto Gum Spring Road (Route 659) and follow for approximately ½ mile. Site is located on the left.



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*Staff Photo - Existing Tree Cover*

## I. APPLICATION INFORMATION

<b>APPLICANT</b>	GSR Partners LLC David Lewis 1912 Grand Court Vienna, VA 22182 703-472-5018	
<b>PROPERTY OWNERS</b>	CHW Partnership PO Box 131 Chantilly, VA 20153  Martha Ann & Malcolm Long 24910 Gum Spring Road Chantilly, VA 20152  David & Kristen Lewis 1912 Grand Court Vienna, VA 22182-3413	
<b>REPRESENTATIVE</b>	Christine Gleckner, AICP Walsh Colucci Lubeley Emrich & Walsh PC One East Market Street, 3 <sup>rd</sup> Floor Leesburg, VA 20176 703-737-3633	
<b>APPLICANT'S REQUEST</b>	A Zoning Map Amendment to rezone approximately 9.53 acres from R-1 (Single Family Residential) to R-4 (Single Family Residential) to develop 26 single family detached dwelling units.	
<b>LOCATION</b>	On the east side of Route 659, between Route 50 and Route 620, north of Providence Ridge Subdivision.	
<b>TAX MAP/PARCEL#</b>	Tax Map 101, Parcel 53 Tax Map 101, Parcel 45A Tax Map 101, Parcel 45D	205-39-6591 205-49-8308 205-49-9724
<b>SURROUNDING ZONING/LAND USES</b>		
	<b>ZONING</b>	<b>PRESENT LAND USES</b>
North	R-1 (Single Family Residential)	Residential
South	R-1 (Single Family Residential)	Residential (Providence Ridge)
East	R-1 (Single Family Residential)	Vacant
West	PDH-4 (Planned Development – Housing 4)	Vacant



## II. SUMMARY OF DISCUSSION

Topic/Issue Area	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> <li>Construct 10-foot wide trail connecting to property to the south. – Resolved.</li> <li>Provide 5-foot sidewalks on both sides of internal public streets. – Resolved.</li> <li>Provide variety in architectural details. – Resolved.</li> <li>Provide a minimum of 30% open space. – Not resolved.</li> <li>Locate 75% of open space on interior of site. – Not resolved.</li> <li>Provide a public space (a picnic pavilion). – Resolved.</li> <li>Provide active recreation areas (a tot lot and a play field). – Resolved.</li> </ul>
Environmental/Engineering	<ul style="list-style-type: none"> <li>Address foundation drainage &amp; stress associated with hydric soils. – Resolved.</li> <li>Complete Phase II Environmental Assessment &amp; remediation. – Resolved.</li> <li>Revise site layout to preserve existing vegetation. – Not resolved.</li> <li>Provide tree survey that identifies trees on interior of site. – Not resolved.</li> <li>Provide Tree Conservation Area (TCA) at rear of site until right-of-way dedication is required to provide inter-connectivity with property to the east. – Resolved.</li> <li>Construct an enhanced extended detention facility. – Resolved.</li> <li>Identify historic/archaeological resources on Plat. – Resolved.</li> </ul>
Zoning	<ul style="list-style-type: none"> <li>Provide 6,000 square feet of active recreation space. – Resolved.</li> <li>Provide a 75' setback from Route 659. – Resolved.</li> <li>Revise note #8 with correct number of dwelling units &amp; parking spaces. – Not resolved.</li> </ul>
Transportation	<ul style="list-style-type: none"> <li>Limit site development to 10 dwelling units until Gum Spring Road is constructed as 4 lanes between Route 50 and Braddock Road. – Resolved.</li> <li>Reserve right-of-way for future inter-parcel connection to the east. – Resolved.</li> <li>Dedicate right-of-way for ½ of 6-lane median divided section of Route 659 along frontage of the site. – Resolved.</li> <li>Dedicate right-of-way for right turn lane. - Resolved.</li> <li>Regional road contribution of \$3,500/unit (total \$91,000) &amp; public transit contribution of \$500/unit (total \$13,000). -Consistent with other recent approvals.</li> <li>Provide sidewalks on both sides of internal public streets. - Resolved.</li> <li>Provide 10-foot wide trail along Gum Spring Road frontage and a trail connecting internal sidewalks to open space area. – Resolved.</li> <li>Provide a noise impact study. – Resolved.</li> </ul>
Utilities	<ul style="list-style-type: none"> <li>Adequate utility provision to site. – Resolved.</li> <li>Proper abandonment of wells and drain fields – Resolved.</li> </ul>
Schools	<ul style="list-style-type: none"> <li>Generates 22 students. Pinebrook Elementary School is currently over capacity. The rezoning would bring Mercer Middle School over capacity. – Resolved.</li> </ul>
Emergency Services	<ul style="list-style-type: none"> <li>Offer residential fire sprinkler system for each residential unit. – Resolved.</li> <li>Fire &amp; Rescue contribution of \$120.00 per unit (total of \$3,120.00) to be escalated from base year of 1988. - Consistent with other recent approvals.</li> </ul>
Disclosures	<ul style="list-style-type: none"> <li>Received complete on October 23, 2007.</li> </ul>
Fiscal Impact	<ul style="list-style-type: none"> <li>Total anticipated impact = \$1,217,294 (\$795,923 after base density deducted) Capital Facilities Contribution of \$28,812 per dwelling unit (total of \$749,112). - Inconsistent with current County policy, awaiting Applicant response.</li> </ul>
Proffers	<ul style="list-style-type: none"> <li>Proffer statement not approved as to legal form. - Not resolved.</li> </ul>

### III. LAND USE IMPACT FACTORS

<b>Categories</b>	<b>Factors</b>
Proposed residential units by type	SFD: 26 SFA: 0 MF: 0 ADU: 0 <b>Total: 26</b>
Allowable residential units by-right & by Planned Land Use density	1 dwelling unit/acre x 9.53 acres = <b>9 dwellings</b> 4 dwelling units/acre x 9.53 acres = <b>38 dwellings</b>
Current units existing and approved (projects of 20 units or greater) in the sub-area	23,665 (Dulles sub-area, 2006 Growth Summary)
Student generation from proposal*  * Based on 26 SFD Dwelling Units	HS: 6 MS: 5 ES: 11 <b>Total: 22</b>
Schools assigned (by Name) Total capacity / student enrollment September 2006 <i>Note: School Board may modify attendance zones.</i>	<b>HS: Freedom</b> 1598 / 908 <b>MS: Mercer</b> 1121 / 1117 <b>ES: Pinebrook</b> 813 / 906
Anticipated Capital Facility contribution	\$795,923 (based on adopted CIF July 2007)
Proffered capital facility contribution by value and type	Cash: \$749,112 (proffered calculation) Land: \$0.00 Construction: \$0.00 <u>Transportation credited:</u> \$0.00 (estimated proportion) <b>Total value: \$749,112</b>
Proffered Transportation contributions/ Phasing trigger	<ol style="list-style-type: none"> <li>1. Dedicate ROW for ½ a 6-lane median divided section of Gum Spring Road (Route 659) along site's frontage concurrent with approval of first record plat or site plan OR request by the County, whichever occurs first.</li> <li>2. Construct right turn lane from Gum Spring Road (Route 659) prior to approval of first record plat or site plan.</li> <li>3. Reserve ROW for future inter-parcel connection to property to east and dedicate up to a 47' wide ROW upon written request by County or VDOT.</li> <li>4. Convey to County 14-foot wide public access easement and construct in it a 10-foot wide trail along Gum Spring Road (Route 659) prior to issuance of first zoning permit.</li> <li>5. \$500 per dwelling unit transit contribution upon issuance of each zoning permit (\$13,000 total).</li> <li>6. \$3,500 per dwelling unit regional transportation improvements prior to issuance of each zoning permit (\$91,000 total).</li> </ol>

#### IV. FINDINGS

1. The proposed rezoning is consistent with the residential density policies of the Revised General Plan, which recommend a maximum of four (4) dwelling units per acre in this area.
2. The proposed Concept Development Plan is consistent with the Loudoun County Bicycle and Pedestrian Mobility Master Plan and The Revised Countywide Transportation Plan.
3. The application adequately mitigates transportation impacts through proffer contributions.
4. The application does not adequately mitigate the capital facilities impacts through proffer contributions.
5. The proposed Concept Development Plan is inconsistent with the Revised General Plan's open space policies, which call for residential neighborhoods to incorporate public parks and open space at a minimum of 30 percent of the gross acreage of the property.
6. The proposed Concept Development Plan is inconsistent with the Revised General Plan's open space policies, which call for interior open space to account for at least 75 percent of the required open space.
7. The proposed Concept Development Plan is inconsistent with Revised General Plan policies regarding the preservation of existing vegetation.

#### V. PROJECT REVIEW

##### A. CONTEXT

The Applicant requests to rezone three parcels totaling approximately 9.53 acres from R-1 (Single Family Residential) to R-4 (Single Family Residential) in order to develop 26 single family detached residences at a density of up to 2.73 dwelling units per acre according to the suburban design option. The Applicant proposes to demolish the three existing single family residences and several outbuildings on the property. The site is located on the east side of Gum Spring Road (Route 659), south of John Mosby Highway (Route 50) and approximately 500 feet south of Tall Cedars Parkway. The property is bounded on the north by two single family detached residences that are similar to those that are proposed for demolition on the subject property. One is a 1,614 square-foot, circa 1950 residence on a 4-acre lot and the other is a 1,144 square-foot circa 1960 residence on a 1-acre lot. Vacant undeveloped property owned by Beach Realty lies to the east.

Significant residential development activity has occurred in the area within the last ten years. **Providence Ridge** subdivision, approved on June 30, 2004, lies adjacent to the subject property on the south. This by-right subdivision consists of 63 single family detached residences developed at 1 dwelling unit per acre. **Providence Glen** will be developing west of the subject property across Gum Spring Road pursuant to ZMAP-2002-0023, which rezoned the 22.75-acre property from PD-GI (Planned Development General Industrial) to PD-H4

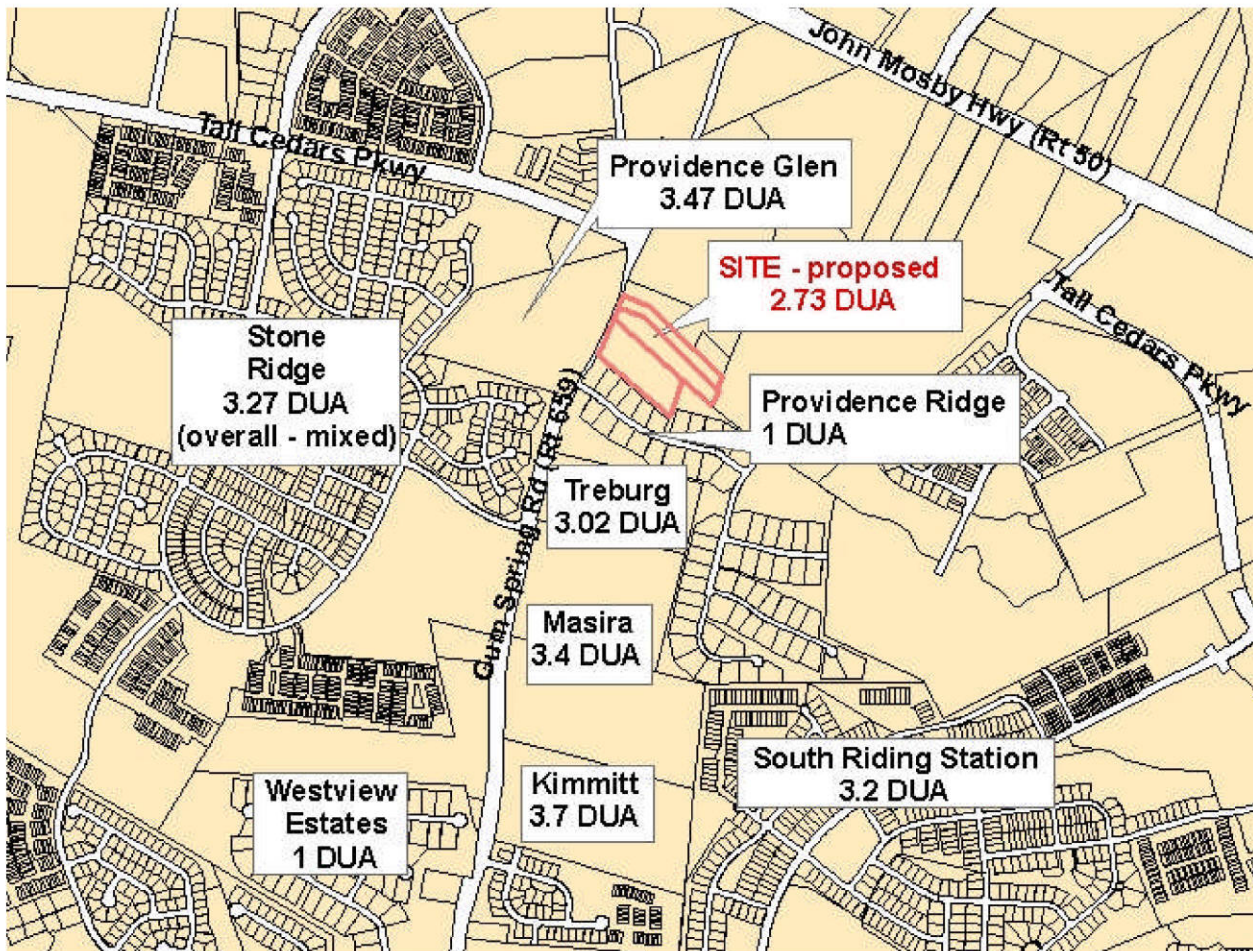


(Planned Development—Housing 4) to be administered under the R-8 ADU (Single Family Residential with Affordable Dwelling Units) zoning district regulations. At full build-out, Providence Glen will consist of up to 79 dwelling units comprised of up to 20 single family detached dwellings, up to 59 single family attached dwellings, including 5 Affordable Dwelling Units (ADUs), at a density of 3.47 dwelling units per acre and with 35 percent of the site dedicated to open space.

**Treburg** will be developing south and west of Providence Ridge pursuant to ZMAP-2004-0019 (approved on October 17, 2006), which rezoned approximately 13.95 acres from R-1 (Single Family Residential) to PD-H4 (Planned Development - Housing 4) to be administered as R-8 in order to develop 41 single family detached residential dwelling units at an approximate density of 3.02 dwelling units per acre. **Kimmit** will be developing south of Treburg in accordance with ZMAP-2005-0016 (approved on July 18, 2006), which rezoned approximately 27.9 acres from R-1 (Single Family Residential) to PD-H4 (Planned Development – Housing 4) in order to develop up to 42 single family detached units and 62 single family attached units, including 13 affordable dwelling units (ADUs), at a gross density of 3.7 dwelling units per acre. **Masira** will be developing south of Kimmit pursuant to ZMAP-2003-0004 (approved on November 16, 2004), which rezoned approximately 53 acres from R-1 (Single Family Residential) to PD-H4 (Planned Development-Housing 4) in order to develop 180 residential dwelling units consisting of up to 59 single family detached residences, 64 duplexes, and 60 townhouses, including 12 Affordable Dwelling Units, at an approximate density of 3.4 dwelling units per acre.

Further removed from the site, **Stone Ridge** is an approximately 800-acre mixed use community located on the west side of Gum Spring Road, on the north and south sides of Tall Cedars Parkway. The Board of Supervisors originally approved Stone Ridge in 1995 (ZMAP-1994-0017) for up to 2,792 residential dwellings with an overall density of 3.27 dwelling units per acre, along with retail, office, industrial, public and civic uses. Two approved residential subdivisions within Stone Ridge are the 1,660-unit Stone Ridge North subdivision (SBPL-2000-0073, approved in September 2001) and the 876-unit Stone Ridge South subdivision (SBPL-2001-0062, approved in April 2003). On December 6, 2005 the Board of Supervisors approved ZMAP 2002-0013 and ZCPA 2002-0004, adding approximately 77 acres of property to the mixed use community, rezoning approximately 247 acres of the original property, and adding 472 dwelling units (including 32 ADUs).

**South Riding Station** located south of Providence Ridge and east of Kimmit consists of 620 residential dwellings (274 single family detached and 346 townhouses, including 39 ADUs) at an approximate density of 3.2 dwelling units per acre. The project developed in accordance with ZMAP-2001-0010, which rezoned approximately 193.7 acres from PD-GI (Planned Development—General Industry) and PD-H4 (Planned Development—Housing, administered as PD-H24) to PD-H4 (Planning Development—Housing 4). **Kirkpatrick Farms** lies south of Stone Ridge and extends south of Braddock Road (Route 620). Kirkpatrick Farms developed pursuant to ZMAP-1995-0014 (approved on July 2, 1997), which rezoned 405 acres from A3 (Agricultural Residential) and CR1 (Countryside Residential) to PD-H4 (Planned Development Housing 4), allowing up to 1,224 residential units (786 single family detached, 262 single family attached, and 176 multi-family). The project includes 161 affordable dwelling units (ADUs) comprised of 121 single family attached units and 40 multi-family units. Kirkpatrick Farms also includes approximately 25,000 square feet of retail.



## B. SUMMARY OF OUTSTANDING ISSUES

Staff cannot support this application, based on findings 4 through 7 listed above. Should the Commission choose to recommend approval of this application, staff recommends that the following issues be addressed:

1. **30% Open Space** – The Revised General Plan calls for 30% or 2.86 acres of the site to be devoted to open space; 14% or 1.38 acres are proposed.
2. **75% of Interior Open Space** – The Revised General Plan calls for interior open space to account for at least 75% of the overall open space; 0% interior and 100% exterior are proposed.
3. **Preservation of Existing Vegetation** - The Revised General Plan calls for the protection of forests and natural vegetation. Staff recommends revising the proposed layout to preserve existing vegetation around the perimeter of the site and on the interior of the site as open space area(s).



4. **Capital Facilities Contribution** is inconsistent with the Board of Supervisors' suggested dollar amounts.
5. **Proffers** have not been approved as to legal form by the Office of the County Attorney.

**C. OVERALL ANALYSIS**

**Land Use and Density**

The proposed development site is governed by the policies of the Revised General Plan (Suburban Policy Area (Dulles Community)), the Loudoun County Bicycle and Pedestrian Mobility Master Plan, and The Revised Countywide Transportation Plan. New residential neighborhoods in the Suburban Policy Area are permitted to develop at densities of up to 4.0 dwelling units per acre, depending on the availability of adequate roads, utilities, and the provision of a full complement of public services and facilities. The application proposes to develop 26 single family detached (SFD) residences on 9.53 acres. The Revised General Plan supports the development of a residential neighborhood at this site, and the proposed density, at 2.73 dwelling units per acre, is consistent with Plan policies. Higher density residential subdivisions have recently been approved in the site's vicinity, including Providence Glen (3.47 DUA), Kimmit (3.7 DUA), Treburg (3.02 DUA), and Masira (3.4 DUA). However, the proposed 2.73 density is higher than that of Providence Ridge, immediately to the south, which recently developed as a by-right subdivision under its existing R-1 (1 DUA) zoning.

**Site Design**

The Revised General Plan states "that residential neighborhoods should have a variety of housing types and lot sizes, and they are to be developed in accordance with design guidelines and performance standards for efficient site layout, a pedestrian-friendly scale, adequate open space (active, passive, and natural), and the protection and incorporation of the Green Infrastructure" (Revised General Plan, text, p. 6-17). Neighborhood streets are to exhibit a variety of building types and details, such as entryway porches, garages set back from the front façade of buildings, interesting doors, lighting fixtures, and careful selection of roadway furniture and trees. (Revised General Plan, Design Guidelines, p. 11-8).

The Applicant has made several modifications to the proposed site layout in response to staff comments. The Applicant has agreed to provide sidewalks on both sides of all internal public streets and to construct a 10-foot wide trail along the property's Gum Spring Road (Route 659) frontage that will connect with the existing trail located on the property to the south. The Applicant also proposes to construct a trail within Parcel A at the rear of the development to connect the internal sidewalks to the open space area. An inter-parcel connection to the undeveloped property to the east is also proposed. Additionally, the Applicant has agreed to offer a minimum of three (3) varying front elevations and house models that will consist of a variety of architectural details including entryway porches, doors, lighting fixtures, roof lines, materials, and landscaping.



## **Open Space**

The Revised 1993 Zoning Ordinance does not specify open space requirements for the R-4 zoning district under the Suburban Design Option that the proposed Concept Development Plan reflects. The County's Open Space Preservation Program also does not apply to this application because the proposed 2.73 density does not fall within the program's density range from 3.5 to 4.0 dwelling units per acre. However, the Revised General Plan calls for 30 percent of the site to be devoted to open space and for 75 percent of that open space to be located on the interior of the site. The Applicant proposes 14 percent open space to be located on the exterior of the site.

The Applicant proposes an active recreation area on Parcel A, a 42,500 square-foot area located at the east end of the development. According to the proffer statement, this area will include:

- A minimum of 6,600 square feet that will consist of:
  - Tot lot with a minimum of three pieces of recreational equipment,
  - Picnic pavilion with picnic tables (civic facility), and
  - A minimum of 5,000 square feet (50' x 100') for a grass playing field.

Parcel A also includes:

- An approximately 13,000 square foot enhanced extended detention facility for stormwater management (not a year-round amenity), and
- Right-of-way reservation (up to 47 feet wide) to provide future connectivity with the property to the east. This reservation is designated as a Tree Conservation Area (TCA) until VDOT or the County requests the dedication.

A second proposed open space area is located at the front of the site and consists of a multi-purpose trail within the buffer along the Gum Spring Road frontage. Overall, a 29,500 square foot open space area would be located at the east end of the site (excluding the enhanced extended detention facility), and a 30,800 square foot open space area would be located at the front of the site along the street frontage. The two open space areas equate to 1.38 acres.

The proposed amount of open space is inconsistent with Revised General Plan policies. Plan policies state, "Residential developments in the Suburban Policy Area must have 30 percent of the land designated as open space." For the 9.53-acre site, 2.86 acres should be devoted to open space. The proposed 1.38 acres (14%) of open space results in a shortage of 16 percent or 1.48 acres of open space.

As illustrated on the table below, the proposed amount of open space is inconsistent with the percentage of open space provided by developed and recently approved residential subdivisions in the vicinity of the subject property.

Subdivision Name	Number of Dwelling Units	Density/DUA	Open Space Provided
Providence Ridge	63	1.0	33%
Providence Glen	79	3.47	35%
Treburg	41	3.02	30%
Kimmit	104	3.7	30%
Masira	180	3.4	34%
Yardley - proposed	26	2.73	14%

Staff recommends that the Applicant provide additional open space. The Revised General Plan states that residential neighborhoods will exhibit, “A combination of neighborhood parks, squares, and greens located throughout the neighborhood within 1,500 feet of all residences, and a formal civic square or other public space located in conjunction with a civic facility, Neighborhood Center, or other use, to create a focal point for the community.” The Plan lists specific types of areas that will fulfill the open space requirement including:

- Neighborhood parks that are at least 20,000 square feet,
- Pocket parks, landscaped gardens, and greens that are at least 2,500 square feet,
- Linear path systems,
- Required perimeter buffers and “leftover” spaces (not to comprise more than 25% of the open space),
- Tot lots that are at least 5,000 square feet, and
- Water features such as ponds and lakes that are wet year-round and designed to be year-round amenities, for example with gazebos, picnic areas, or walking paths added (Revised General Plan, Policy 9, p. 6-11 and Policy 3, p. 6-10).

The proposed location for open space is also inconsistent with Revised General Plan policies that state that interior open space should account for at least 75 percent of the required open space. Neither the required buffer areas nor the leftover spaces and parking and street landscaping can account for more than 25 percent of the open space requirement (Policy 3, p. 6-10). Stormwater management facilities cannot be included unless they are developed as year-round amenities (Policy 9j, p. 6-11). All proposed open space is exterior; interior open space is not proposed.

As illustrated on the table below, the proposed amount and location of open space is inconsistent with Revised General Plan policies. Staff recommends revising the proposed layout to preserve existing vegetation located along the perimeter of the site and in open space area(s) on the interior of the site.

Type of Open Space	Should be provided (per Plan Policies)	Proposed
Interior (75% of open space)	2.14 acres	0 acres
Exterior (25% of open space)	0.72 acres	1.38 acres
Total (30% of total acreage)	2.86 acres	1.38 acres (14%)



Note that the Concept Development Plan reflects the Suburban Design Option from Section 3-400 of the Revised 1993 Zoning Ordinance. The Traditional Design Option and the Cluster Development Design Option require open space in an amount such that a gross density of one lot per 10,000 square feet is preserved in a permanent open space easement. The Traditional and Cluster Development Design Options also require a minimum 50-foot deep open space buffer with a Category 2 Buffer Yard where a proposed development adjoins an existing or planned residential district. However, the Suburban Design Option that the Applicant has chosen does not include a similar open space or buffer requirement. Staff recommends revising the proposed layout to preserve existing vegetation located in open space area(s) on the interior of the site and along the perimeter of the site. Staff also recommends making the stormwater detention area a year-round amenity by adding a trail and benches around it, so that it can be counted towards the 30 percent open space. Including the detention area would bring the open space up to 1.68 acres (17.6%).

### **Existing Site Conditions**

The subject property is currently developed with three single family detached homes (c. 1955) and six outbuildings, with the southernmost house recently being converted to a water and sewer pipe installation business. The site is generally flat with no floodplains, river and stream corridors, or steep slopes. A letter from the U.S. Army Corps of Engineers, dated February 12, 2007, confirms that the site contains no wetlands. The site does, however, contain existing forest cover and hydric soils. To address hydric soils, the Applicant has proffered to conduct geotechnical studies for all structures to be built in areas containing hydric soils and to propose engineering measures to the County for remedying potential foundation drainage and stress problems. The Applicant will submit evidence of completing remediation activities to the County prior to the approval of the preliminary subdivision application.



*Staff Photos. Existing Tree Cover.*

A Phase I Environmental Site Assessment prepared by ECS Mid Atlantic and dated May 17, 2006 indicates that a potential environmental concern exists on the subject property. The assessment identified six above-ground storage tanks on the southernmost parcel. Four of the tanks showed signs of continuous spillage and neglect along with a sizable area of distressed



vegetation and discolored soil. Additionally, twenty metal containers labeled hydraulic, transmission, and brake fluid were present plus twenty additional containers, some of which were labeled “toxic”. According to the Phase I Environmental Assessment, a potential environmental concern exists until containers and any contaminated soil are removed and disposed of in accordance with Virginia Department of Environmental Quality (VDEQ) standards. Many of the tanks and containers have since been removed. However, the soil where these containers were stored remains potentially contaminated. The Applicant has agreed to conduct a Phase II Environmental Site Assessment and to perform all remediation activities recommended by that site assessment.

### **Forests, Trees, and Vegetation**

The Revised General Plan calls for the protection of forests and natural vegetation for the various economic and environmental benefits that they provide (Policy 1, p. 5-21). Plan policies call for the submittal and approval of a tree conservation or forest management plan prior to any land development that “demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area” (Revised General Plan, Policy 3, p. 5-32).

A partial tree inventory, dated July 10, 2006, prepared by Edward P. Milhous, is included with this application. The inventory includes 69 individual trees located along the perimeter of the subject property that range in diameter from 10 to 23 inches. The inventory, however, does not include information on species composition, size class, age, density, regeneration, presence of insects and disease, and health and vigor. The inventory also does not identify interior individual trees with a diameter of 30 inches or greater. During site visits staff observed numerous mature hardwoods in the interior of the property that should be considered for preservation.



The Applicant has proffered to preserve five (5) trees with a diameter in excess of thirty (30) inches that are located within the buffer area along the Gum Spring Road street frontage. The survivability of these trees is a concern given that the noise impact study could require a berm along Route 659, which could damage the critical root zone of the five trees proposed for preservation. While preserving the more mature trees is commendable, there is still a potential to provide tree save areas along the perimeter of the site and with open space areas on the interior of the site.

Regarding Tree Conservation Areas (TCAs), the Applicant proposes to designate a short-term TCA at the rear of the site, as shown on the Concept Development Plan. However, this TCA is located within a proposed right-of-way reservation that will provide future connectivity to the



property to the east. Until such time that VDOT or the County requests the dedication of this reservation, the Applicant has designated the road right-of-way reservation as a TCA and has included a forest management plan in the proffer statement dated September 14, 2007. To address staff comments regarding saving perimeter trees, the Applicant proposes a proffer to establish limits for clearing and grading along the rear of Lots 1-9 and 23-26. Staff recommends that these perimeter trees be designated as Tree Conservation Areas (TCAs) to ensure their preservation and maintenance in accordance with a forest management plan. Staff recommends revising the proposed layout to preserve existing vegetation located in open space area(s) on the interior of the site, in accordance with Revised General Plan, Policy 1, p. 5-21. Staff also recommends that the Applicant provide a tree inventory that includes the trees on the interior of the site so staff can evaluate opportunities for preservation.



### **Water Quality**

Protecting groundwater and surface water from contamination and pollution is a major water resource issue for the County. The majority of the subject site is located within the Bull Run Watershed and drains to the Occoquan Reservoir, a drinking water supply. The Applicant proposes to construct an approximately 13,000 square foot stormwater management pond on Parcel A as shown on the Concept Development Plan, and has included a proffer that it will be an enhanced extended detention facility.

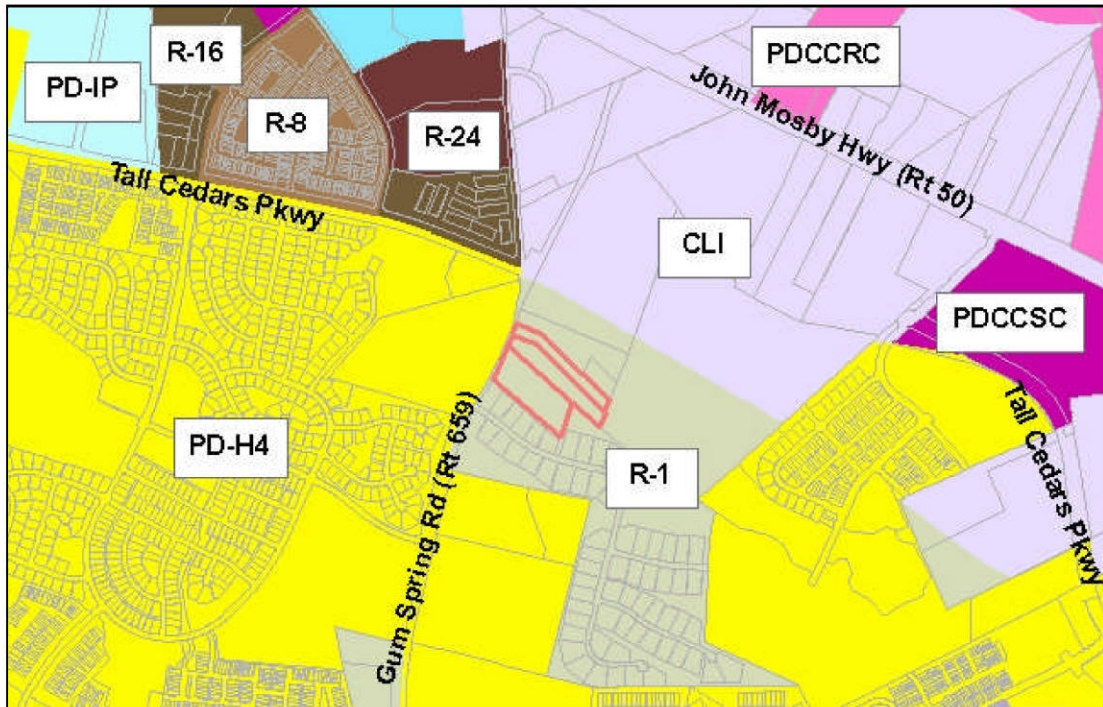
### **Historic & Cultural Resources**

The Revised General Plan states that the County will require an archeological and historic resources survey as part of all development applications. The submitted Phase I Archeological Survey, prepared by ECS Mid-Atlantic, LLC., dated May 17, 2006 for the subject property, identified one previously unknown archeological site (44LD1382) and four isolated finds associated with the casual discard of materials. Site 44LD1382 consists of the remains of a late nineteenth century domestic site. Because of the lack of artifacts and the shallow deposition of the artifacts recovered, the site is ineligible for listing in the National Register of Historic Places. No additional archaeological or cultural resources work is necessary.

### **ZONING**

The subject property is currently zoned R-1 (Single Family Residential). The purpose of this application is to consider a request to rezone the subject property to R-4 (Single Family Residential). As shown on the zoning map below, the single family residences to the north and south, as well as the vacant Beach Realty property to the east, are zoned R-1 (Single Family

Residential). Providence Glen and South Ridge to the west are zoned PD-H4 (Planned Development -Housing 4).



Zoning Map

The table below compares the bulk requirements for the existing R-1 and the proposed R-4 zoning districts, using the Suburban Design Option in accordance with Section 3-404 of the Revised 1993 Zoning Ordinance.

	Lot Size	Lot Width	Front Yard	Side Yard	Rear Yard	(max) Lot Coverage
Existing R-1	40,000 sq ft	175'	35'	12' on 1 side, 9' on other side	35'	15%
Proposed R-4	10,000 sq ft	80'	25'	9'	25'	35%

### **Active Recreation Space**

Section 3-410 of the Revised 1993 Zoning Ordinance requires a minimum of 5,000 square feet of active recreation space for each development of 10 units, plus an additional 100 square feet per each single family detached dwelling. Therefore, 6,600 square feet of active recreation space is required for the proposed 26 single family detached residences. Article VII of the Revised 1993 Zoning Ordinance defines active recreation space as:

*Flat, open, well-drained useable space configured in squares or greens. Active recreation space may include facilities such as ball fields, tennis courts, or swimming pools, or tot-lots and other similar type play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports,*



*equestrian activities, and activities incidental and related to the foregoing. . .*

The Applicant has proposed a proffer to provide a minimum 6,600 square foot active recreation area that will consist of:

- Tot lot with a minimum of three pieces of recreational equipment,
- Picnic pavilion with picnic tables, and
- A minimum 5,000 square-foot (50' x 100') grass playing field.

As proposed, the amount and type of active recreation areas comply with the Revised 1993 Zoning Ordinance.

### **Setback from Route 659**

Section 1-205(J) requires a 75-foot building setback from Gum Spring Road (Route 659) to be measured from the wider of (a) the existing right-of-way, (b) the right-of-way proposed in the Comprehensive Plan or (c) the minimum dedicated right-of-way permitted for VDOT acceptance of the right-of-way for maintenance. Gum Spring Road (Route 659) is classified as an existing major collector road and a planned minor arterial road in the Countywide Transportation Plan (CTP). The Applicant has revised the Concept Development Plan to illustrate the required 75-foot building setback from Gum Spring Road (Route 659).

### **Parking**

Section 5-1100 requires the proposed development to provide a minimum of 2.5 parking spaces per dwelling unit; therefore, 65 parking spaces are required. Including garages and driveways, the Applicant will have enough parking, however, note #8 on Sheet 1 of the Concept Development Plan needs to be revised to reflect the correct number of dwelling units (26) and the correct number of required and provided spaces (65). The Applicant is also proposing a proffer to include in the HOA documents a covenant prohibiting garage conversions to uses other than primarily vehicle storage.

### **Affordable Dwelling Units**

Section 7-102 of the Revised 1993 Zoning Ordinance requires Affordable Dwelling Units (ADUs) to be provided for rezoning applications that yield 50 or more dwelling units at an equivalent density greater than one unit per gross acre. No ADUs are required or proposed as part of this application, as the application proposes 26 units at a density of 2.73 dwelling units per acre.

### **TRANSPORTATION**

Transportation on and near the site is governed by the policies of the Revised Countywide Transportation Plan (Revised CTP). The policies of the Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) also apply.

### **Vehicular**

A single access point is proposed to the site from Gum Spring Road (Route 659), which is currently two lanes. According to the Revised Countywide Transportation Plan, this roadway is planned to become part of West Spine Road and will ultimately be a six-lane, median-divided major collector. The Applicant has agreed to limit the number of residential occupancy permits issued to a maximum of ten (the number that would be permitted under the existing R-1 zoning) until Gum Spring Road is constructed or bonded for construction as a four-lane road between John Mosby Highway (Route 50) and Braddock Road (Route 620).

The Applicant will dedicate right-of-way to accommodate one-half of a six-lane median divided section of Gum Spring Road along the frontage of the subject property. Proposed right-of-way dedication shown on the Concept Development Plan is consistent with approved construction plans for this segment of Gum Spring Road (CPAP-2007-0017). The Applicant has also agreed to construct a right turn lane into the site if warranted by VDOT or the County. Area for this right turn lane dedication is depicted on the Concept Development Plan. Regarding streets within the proposed development, all streets are proposed to be public.

### **Transit**

The Applicant proposes a transit contribution totaling \$13,000 (\$500 per dwelling unit) to be used at the Board of Supervisors' discretion for transit services and transportation improvements in the Dulles Community of the Suburban Policy Area. The Applicant also proposes a regional transportation contribution totaling \$91,000 (\$3,500 per dwelling unit) for transportation improvements in the immediate vicinity of the property, including widening and constructing Gum Spring Road (Route 659) and the future John Mosby Highway (Route 50)/ West Spine Road interchange. The contributions are consistent with recent approvals.

### **Bicycle and Pedestrian**

The Applicant proposes to construct sidewalks on both sides of all internal public streets. The Applicant will also construct a 10-foot wide trail within a 14-foot wide easement along the property's Gum Spring Road (Route 659) frontage. As shown on the Concept Development Plan, this trail will connect with the existing trail located on the property to the south. The Applicant will also construct a trail within Parcel A to connect the internal sidewalks to the open space area.

### **Inter-parcel Connectivity**

The Applicant proposes to provide up to a forty-seven (47) foot right-of-way reservation within Parcel A to provide future connectivity with the property to the east. Until such time that VDOT or the County requests the dedication of this reservation, the Applicant has designated the road right-of-way reservation as a Tree Conservation Area (TCA).

## **Noise Impacts**

Road Noise Impacts - The Revised General Plan states that the “County will require all land development applications that propose land uses adjacent to any of the existing and/or proposed arterial and major collector roads will be designed to ensure that no residential or other type(s) of noise-sensitive use(s) will have traffic noise impacts which occur when the predicted traffic noise levels approach or exceed the noise abatement criteria on the Noise Abatement Criteria (NAC) Hourly A-weighted Sound Levels table, or when predicted traffic noise levels substantially exceed existing noise levels” (Policy 2, p. 5-47).

The proposed development is adjacent to the section of Gum Spring Road (Route 659) that is planned to become part of West Spine Road, which according to the Revised Countywide Transportation Plan, will ultimately be a six-lane, median-divided major collector. To address potential noise impacts associated with this roadway, the Applicant has proffered to provide the County a noise impact study that will determine the need for any buffering and noise attenuation measures. In accordance with the results of the study, the Applicant proposes to provide noise attenuation measures along the project's Gum Spring Road frontage to mitigate noise impacts, giving priority to using passive measures, such as setbacks, berms, wooden fences, and vegetation.

Airport Noise Impacts - The property is located completely within the Ldn 60 1-mile noise contour of the Washington Dulles International Airport. For all new residential dwelling units constructed within the Ldn 60 1-mile buffer, Section 4-1404(A)(1) of the Revised 1993 Zoning Ordinance require a full disclosure statement in writing to all prospective purchasers, informing them that they are located within an area that will be impacted by aircraft overflights and aircraft noise.

## **UTILITIES**

Public water and sewer are available to the site by extending existing nearby LCSA utilities. The Applicant will properly abandon all existing wells and drainfields.

## **SCHOOLS**

This rezoning is expected to generate a total of 22 students (11 elementary, 5 middle, and 6 high school). The site is served by Pinebrook Elementary School, Mercer Middle School, and Freedom High School. According to the most recent enrollment figures obtained from the school board planning office, Freedom High School has the capacity to serve the additional students. However, Pinebrook Elementary School is currently over capacity by 93 students, and the requested rezoning would bring Mercer Middle School over capacity by two students. According to the school board, over-capacity elementary students could be over-flowed to the new Liberty Elementary School that will be constructed across from Freedom High School.

## **EMERGENCY SERVICES**

Arcola Pleasant Valley Volunteer Fire and Rescue currently serves the subject property with an approximate response time of 3 minutes and 49 seconds. The Applicant has proffered a contribution of \$120.00 per market rate residential dwelling unit to the primary volunteer Fire



and Rescue companies serving the property. Additionally, the Applicant has proffered to each initial purchaser of a unit on the site the option to purchase and have installed a residential sprinkler system, with the purchaser bearing all cost of such installation.

## **FISCAL IMPACT**

Under the Revised General Plan, the County anticipates developer assistance at 100 percent of the capital facility cost per market rate dwelling unit above the base density of the site at the time of rezoning application. The most recent capital facilities worksheet (October 23, 2007) for this project is attached. With a base density of one (1) dwelling unit per acre for the 9.53-acre site, the total projected capital facilities impact for the project is \$1,217,294. When credit for by-right density (\$421,371) is deducted, the total anticipated contribution for the project is \$795,923 (\$30,612 for each single-family detached unit). The Applicant proposes to proffer \$749,112 total or \$28,812 per each of the 26 proposed dwelling units on site, which does not meet the suggested dollar amounts. Staff is awaiting a response from the Applicant as to whether the shortage is merely a miscalculation.

## **COUNTY ATTORNEY**

The Office of the County Attorney has not reviewed the draft proffer statement. Proffers have not been approved as to legal form, and additional review and discussion is anticipated.

## **D. ZONING ORDINANCE CRITERIA FOR APPROVAL**

Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance states ". . . (i) if the application is for reclassification of property to a different zoning district classification on the Zoning Map. . . , the Planning Commission shall give reasonable consideration to the following matters. . . .":

Standard      *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

Analysis      The proposed rezoning is consistent with the land use policies of the Revised General Plan, which recommends residential development at densities up to four dwelling units per acre for this area. However, further discussion is needed on the amount of open space, the location of open space, and preservation of existing vegetation, all of which are inconsistent with Revised General Plan policies.

Standard      *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

Analysis      Significant residential development activity has occurred in the vicinity of the subject property within the last 10 years.

Standard      *Whether the range of uses in the proposed zoning district classification is compatible with the uses permitted on other property in the immediate vicinity.*

Analysis      The uses permitted in the proposed zoning district (R-4) are compatible with those permitted in surrounding residential developments. The proposed 2.73 density

could provide an appropriate transition between Providence Glen to the west (3.47 DUA) and Providence Ridge to the south (1 DUA).

Standard      *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

Analysis      Adequate utilities exist or can be extended to the site. The Applicant's proffer contributions mitigate the development's transportation impacts. However, further discussion is necessary regarding mitigation of capital facilities impacts. Pinebrook Elementary School is currently over capacity and the rezoning would bring Mercer Middle School over capacity.

Standard      *The effect of the proposed rezoning on the County's ground water supply.*

Analysis      The development will be served by public water and sewer. All of the site's existing wells and drain fields will be properly abandoned.

Standard      *The effect of the uses allowed by the proposed rezoning on the structural capacity of the soils.*

Analysis      The Applicant has proffered to conduct geotechnical studies for all structures to be built in areas containing hydric soils and to complete County-approved engineering measures for remedying potential foundation drainage and stress problems prior to the approval of the preliminary subdivision application.

Standard      *The impact that the uses permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

Analysis      Traffic generated by this development will add approximately 270 average daily trips to the area road network. The site is designed to allow for internal pedestrian and bicycle mobility with sidewalks on both sides of internal streets, a multipurpose trail along Route 659, and inter-parcel access to the property to the east. Construction traffic will access the site from Gum Spring Road (Route 659).

Standard      *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

Analysis      The property's existing R-1 zoning allows for the development of 1 dwelling unit per acre. Providence Ridge, which is adjacent to the site on the south, recently developed at 1 dwelling unit per acre under its existing R-1 zoning.

Standard      *The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.*

Analysis      The site contains no wetlands, floodplains, river and stream corridors, steep slopes, or wildlife habitat. There is no indication that the rezoning would negatively

impact water or air quality. The rezoning will affect existing vegetation; 69 trees from 10 to 23 inches in diameter around the perimeter of the site are proposed for removal, in addition to an unknown number of trees on the interior of the site.

Standard      *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

Analysis      The Revised General Plan recommends residential development on the subject property. This rezoning provides no commercial or retail opportunities.

Standard      *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

Analysis      The Revised General Plan recommends residential development on the subject property. This rezoning provides no agriculture, industry, or business opportunities.

Standard      *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

Analysis      The Applicant is proffering 94% of capital facilities costs for dwellings above the base densities on this site. This is inconsistent with current County policy.

Standard      *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*

Analysis      While residential uses are appropriate for this area, inconsistency with Revised General Plan policies regarding open space and tree preservation does not encourage the conservation of properties and their values nor does it encourage the most appropriate use of the land.

Standard      *Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.*

Analysis      The proposed rezoning is consistent with residential development trends of growth along Gum Spring Road in the vicinity of the subject property. However, the application exceeds the capacity of the schools that will serve the development.

Standard      *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*

Analysis      No Affordable Dwelling Units (ADUs) are required or proposed.

Standard      *The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.*



Analysis      The proposed site layout will negatively affect the site's natural vegetation. The one archeological site and four archaeological locations identified in the, Applicant's Phase 1 Archeology Survey are ineligible for listing in the National Register of Historic Places.

<b>V. ATTACHMENTS</b> (Attachments are available electronically or may be viewed at the Planning Department Front Counter or in the Building & Development File Room.)	<b>PAGE NUMBER</b>
<b>1. Review Agency Comments</b>	
a. Community Planning	A-1
b. Community Information & Outreach	A-8
c. Zoning Administration	A-9
d. Office of Transportation Services (OTS)	A-13
e. Virginia Department of Transportation (VDOT)	A-18
f. Environmental Review Team (ERT)	A-21
g. Loudoun County Health Department, Environmental Health	A-25
h. Loudoun County Sanitation Authority (LCSA)	A-26
i. Parks, Recreation and Community Services (PRCS)	A-27
k. Fire and Rescue Services	A-31
l. Loudoun County Public Schools	A-33
<b>2. Disclosure of Real Parties in Interest</b>	A-38
<b>3. Applicant's Statement of Justification</b>	A-50
<b>4. Applicant's Response to Referral Agency Comments</b>	A-57
<b>5. Tree Inventory</b>	A-68
<b>6. Proffer Statement</b>	A-80
<b>7. Concept Development Plan</b>	Attached